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April 3, 2015

Via ECF

The Honorable Kevin Nathaniel Fox, U.S.M.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Sun, et al. v. Li, et al.*
Case No. 13-cv-8507

Dear Judge Fox:

We are counsel to Plaintiffs. As discussed with the Court during yesterday's Court appearance, we write to respectfully request the Court grant sanctions against Defendants and their counsel for their willful failure to attend the April 2, 2015 settlement conference.

Defendants and their counsel willfully failed to appear for yesterday's settlement conference, scheduled for 10:30 a.m. After several discussions with both Plaintiffs' and Defendants' counsel regarding convenient settlement conference dates, on February 4, 2015 the Court issued an Order scheduling the settlement conference for April 2, 2015, which was docketed on ECF (See ECF Dkt. No. 62). Defendants were aware of the conference and had previously emailed with the undersigned regarding the conference (see email correspondence, attached as Exhibit A, including email dated February 2, 2015 in which the undersigned informs Mr. Quan of the date, email dated March 19, 2015 reminding Mr. Quan about the conference). In addition, on March 25, 2015 the undersigned had a telephone call with Defendants' counsel, to discuss the possibility of settlement and each side's demand prior to the conference. During the call I stated to Defendants' counsel that I would "see [him] at the conference next week".

On April 2, 2015, the undersigned, together with the four (4) plaintiffs and a Mandarin Chinese translator appeared for the 10:30 a.m. settlement conference. Defendants did not appear. At approximately 11:10 a.m., Your Honor's Clerk contacted Defendants' counsel (Peter Quan, Esq.) by telephone, however, his firm's receptionist stated that Defendants' counsel was "away on a business trip." Your Honor's Clerk then contacted Mr. Quan's cell phone, which he answered, and stated that "he didn't know that there was a conference scheduled." As shown in above and by the attached correspondence, Mr. Quan's statement was disingenuous as he had received the Court's Order via ECF, and discussed the settlement conference with the undersigned, in both email and by phone.

In total, the Court, myself and my clients waited in the Courtroom for approximately an hour, to 11:30 a.m. After contacting Your Honor by phone, Your Honor's Clerk informed the undersigned that I may file an application for my fees based on Defendants' failure to appear.

In view of the foregoing, Plaintiffs request reimbursement of legal fees for attending the conference in the amount of \$700, representing 2.5 hours at the undersigned's rate of \$350 per hour¹. This includes one half hour preparing for the conference with the Plaintiffs, 1 hour waiting in the Courtroom (from the scheduled conference time of 10:30 a.m to approximately 11:30 a.m.), and a total of 1 hour travel time (thirty minutes each way between my Midtown Manhattan office and the Courthouse). The undersigned's billable rate has been approved in this District. *See Carillo v. 27-39 East 30 Rest. Corp., et al.*, 13 Civ. 4491 (S.D.N.Y. Feb. 2, 2015); *Sanchez v. JMP Ventures, L.L.C., et al.*, 13 Civ. 7264 (S.D.N.Y. Feb. 10, 2015) *La Revise Associates, L.L.C.*, No. 12 Civ. 8324 (GWG) (S.D.N.Y.); *Viafara v. MCIZ Corp., et al.*, No 12 Civ. 7452 (S.D.N.Y.); *Khamsiri v. George & Frank's Japanese Noodle Rest. Inc., et al.*, No. 12 Civ. 0265 (S.D.N.Y.); *Flores, et al. v. KC 53 LLC, et al.*, No. 12 Civ. 8095 (S.D.N.Y.); *Sanjaya, et al. v. Inakaya USA Inc., et al.*, 12 Civ. 4500 (S.D.N.Y.).

We thank Your Honor for considering this matter.

Respectfully submitted,

/s/ Anne Seelig

cc: all parties via ECF

¹ Travel time billed at half of my billable hourly rate, \$175

EXHIBIT A

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Subject: RE: Peter Reply Re: Peter Reply Re: Grand Sichuan
From: "Anne Seelig" <anne@leelitigation.com>
Date: Fri, Mar 20, 2015 3:10 pm
To: "Lihong Quan" <lihongqu@yahoo.com>

Ok, lets speak Wednesday at 12, I will call you then.

Anne Seelig, Esq.
Lee Litigation Group, PLLC
30 East 39th St, Second Floor
New York, NY 10016
Email: anne@leelitigation.com
Direct: (212) 465-1124
Fax: (212) 465-1181

----- Original Message -----

Subject: Re: Peter Reply Re: Peter Reply Re: Grand Sichuan
From: Lihong Quan <lihongqu@yahoo.com>
Date: Fri, March 20, 2015 3:05 pm
To: Anne Seelig <anne@leelitigation.com>

Anne:

I'm available on the following time:

Mon (03/23): 9-6

Wed (03/25): 9-6

Fri(03/27): 9-4.

My phone number is 917-622-0158. Thanks. Peter.

Very truthfully yours,

Peter L. Quan, Esq.

Law Offices of Peter L Quan, PLLC

Flushing Office: 3901 Main Street, Suite 605, Flushing, NY 11354 Phone: 718-766-7989.

Fax: 212 566 5477

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From: Anne Seelig <anne@leelitigation.com>
To: Lihong Quan <lihongqu@yahoo.com>
Sent: Thursday, March 19, 2015 5:04 PM
Subject: RE: Peter Reply Re: Peter Reply Re: Grand Sichuan

Peter:

Please advise your availability for a call next week, per Judge Fox's rules, do discuss settlement positions prior to the settlement conference. Thanks!

Anne Seelig, Esq.
Lee Litigation Group, PLLC
30 East 39th St, Second Floor
New York, NY 10016
Email: anne@leelitigation.com
Direct: (212) 465-1124
Fax: (212) 465-1181

----- Original Message -----

Subject: Peter Reply Re: Peter Reply Re: Grand Sichuan
From: Lihong Quan <lihongqu@yahoo.com>
Date: Tue, February 03, 2015 10:35 am
To: Anne Seelig <anne@leelitigation.com>

Hi Anne,
Because only Plaintiff Sun worked for my clients, [REDACTED] and for Sun only. Thanks. Peter.

Very truthfully yours,
Peter L. Quan, Esq.
Law Offices of Peter L. Quan, PLLC
Flushing Office: 3901 Main Street, Suite 406, Flushing, NY 11354 Phone: 718-766-7989
Fax: 212 566 5477

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From: Anne Seelig <anne@leelitigation.com>
To: Lihong Quan <lihongqu@yahoo.com>
Sent: Tuesday, February 3, 2015 9:58 AM
Subject: RE: Peter Reply Re: Grand Sichuan

Ok, confirmed with Chambers, and order will issue shortly.
Please advise Defendants' latest settlement offer and maybe we can settle this case before the conference, and before the need to submit pretrial documents.

Anne Seelig, Esq.
Lee Litigation Group, PLLC
30 East 39th St, Second Floor
New York, NY 10016
Email: anne@leelitigation.com
Direct: (212) 465-1124
Fax: (212) 465-1181

----- Original Message -----

Subject: Peter Reply Re: Grand Sichuan
From: Lihong Quan <lihongqu@yahoo.com>
Date: Mon, February 02, 2015 5:56 pm
To: Anne Seelig <anne@leelitigation.com>

Hi Anne,
I am good with 04/02/15, at 10:30. Thanks. Peter.

Very truthfully yours,
Peter L. Quan, Esq.
Law Offices of Peter L. Quan, PLLC
Flushing Office: 3901 Main Street, Suite 406, Flushing,
NY 11354 Phone: 718-766-7989
Fax: 212 566 5477

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you have received this e-mail in error, please notify me at
your earliest convenience, by phone at 212-608-4508 or by
e-mailing back at lawcunyg@gmail.com. Thank you.

From: Anne Seelig <anne@leelitigation.com>
To: lihongqu@yahoo.com
Sent: Monday, February 2, 2015 10:17 AM
Subject: Grand Sichuan

Peter:

Judge Fox provided the following available dates
for Settlement Conference:

April 1 or 2, 2015 at either 10:30 am or 2:30
pm. Please advise your preference so I can
respond to Chambers.

Anne Seelig, Esq.
Lee Litigation Group, PLLC
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